



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION V
230 SOUTH DEARBORN ST.
CHICAGO, ILLINOIS 60604

REPLY TO ATTENTION OF:

5RC

Mr. Thomas Heaton
Environmental Specialist
Borden, Inc.
180 East Broad Street
Columbus, OH 43215

Re: Borden claim of confidentiality on Superfund notifications

Dear Mr. Heaton:

Enclosed are the original 1979 Eckhardt Surveys which you submitted marked as confidential on June 3, 1981, pursuant to §103(c) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, for the Borden facilities listed in attachment 1. Also enclosed are copies of sixty-seven (67) EPA §103(c) notification forms which the Office of Superfund has filled out for each Borden site with appropriate information extracted from your submittals. EPA has transferred only very general information to our notification forms. EPA has also attached both a copy of this letter and your June 3, 1981, cover letter to each of the 8900-1 forms retained in our records for purposes of §103 notification compliance verification. We request that you review the forms 8900-1 for accuracy and advise us of any necessary corrections.

The Eckhardt Surveys which you claim as confidential contain information beyond that required by the EPA form. Therefore, we are returning the surveys to you. Since we have not retained any copies, they are no longer a part of agency records subject to possible disclosure pursuant to 40 C.F.R. Part 2.

With respect to the information transferred to the EPA notification form, please advise me within 10 days of your receipt of this letter whether you assert a claim of business confidentiality pursuant to 40 C.F.R. Part 2. It is EPA's intention to be able, upon request, to promptly release information submitted in the notification form to the extent provided by law. See 46 Federal Register 22149 (April 15, 1981).

If it is your intent to assert a claim, please give particular attention to 40 C.F.R. §2.201 and 2.204(e)(3) concerning claim substantiation.

Please feel free to call me if you have any questions on this matter.

Sincerely yours,

David M. Sims
Assistant Regional Counsel

EPA Region 5 Records Ctr.



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Enclosures